

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ADAM CAREY**

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**Case No.: 3:21-CR-00288-4  
JUDGE CAMPBELL**

**RESPONSE IN OPPOSITION TO GOVERNMENT’S MOTION TO EXCLUDE  
INADMISSIBLE AND IRRELEVANT CHARACTER EVIDENCE OF WITNESSES  
AND LIMIT CROSS EXAMINATION**

COMES NOW Defendant Adam Carey, by and through his undersigned counsel, and hereby submits this Response to the government’s “Motion in Limine to Exclude Inadmissible and Irrelevant Character Evidence of Witnesses and Limit Cross-Examination.” (Docket Entry 293). The government’s motion seeks to limit Mr. Carey’s constitutional right to present a defense and cross-examine witnesses against him at trial, or, at best, to give the government a “jury out preview” of the cross-examination. The government’s motion is speculative, not ripe for decision, and it should therefore be denied.<sup>1</sup>

As of this filing, the government has not provided Mr. Carey with the *Giglio* and/or *Jencks* materials in this matter, although the government has given notice that such materials exist. The government’s Motion concedes that it cannot even identify any “prior bad acts” which Mr. Carey might introduce to attack the credibility of his accusers, and yet it seeks to preemptively impede Mr. Carey’s right to vigorous and impactful cross-examination. The government is represented by highly skilled trial attorneys who without a doubt can raise objections contemporaneously and,

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<sup>1</sup> Mr. Carey’s Response in Opposition to Government’s Motion to Exclude Improper Character Evidence Regarding Victims (Docket Entry 305) sets forth arguments and rationale that are equally applicable to the instant Response. For the sake of efficiency, the same are incorporated herein by reference as if set forth verbatim.

should the Court sustain such an objection, propose a limiting instruction legally adequate to cure any perceived harm.

For the reasons stated herein, this Court should deny the government's Motion in Limine as premature and should instruct the parties to object at trial if, and when, there is a question as to the admissibility of any evidence. Mr. Carey respectfully requests that the government's Motion in Limine (Docket Entry 293) be denied.

Respectfully submitted,

s/ Benjamin H. Perry  
BENJAMIN H. PERRY  
40 Music Square East, Suite 100  
Nashville, TN 37203  
(615) 242-4200  
ben@benperryllaw.com  
*Attorney for Adam Carey*

s/ John Bailey  
JOHN BAILEY  
330 Franklin Road, Suite 135A-427  
Brentwood, TN 37027  
(615) 319-1342  
hansgurkin@att.net  
*Attorney for Adam Carey*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has either been hand delivered, sent as an attachment via electronic mail, sent via the Court's CM/ECF filing system, *or*, if not registered, sent U.S. Mail, postage prepaid, to all parties of record in this matter, including but not limited to:

Robert E. McGuire  
Brooke C. Farzad  
Assistant United States Attorneys  
719 Church Street, Suite 3300  
Nashville, TN 37203

this 12<sup>th</sup> day of September, 2023.

s/ Benjamin H. Perry  
BENJAMIN H. PERRY